

## ITA (Involuntary Treatment Act) Court proceedings

Below are some helpful pieces to know regarding ITA hearings as of May 2021.

- Currently the hearings are all conducted by video; the attorneys will appear on video from separate locations; the Respondent and the Court evaluator may appear from the same location or from separate locations.
- The Court advises the Respondent of his Rights on the record (below is the general language used):
  - Firearm rights: *I am required to advise you that the failure to make a good faith effort to seek voluntary treatment will result in the loss of your firearm rights if this court detains you for involuntary treatment. This notice, in writing, is also on the table in front of you.*” (A written copy of the firearms advisement is in front of the respondent.)
  - Private conversation with counsel. *“You have the right to have a private conversation with your attorney at any time during this hearing. Either you or your attorney can make the request.”*
- Witnesses testify by telephone except for the professional witnesses i.e. the Court Evaluators or the Proxy Witnesses, who may testify by video.
- Oath of witness: if the witness is appearing by telephone the Court has the following general colloquy with the witness:
  - whether the witness is in the State of Washington- if not in the State of Washington, the Court will ask the witness if he/she agrees to be bound by the laws of the State of Washington;
  - whether the witness is in a private location for the duration of the testimony and that no one else is present – and if someone enters the room the witness has to notify the Court;
  - the Court admonishes the witness to put any documents, records, notes – even if they are their own notes aside/ turned down/ closed on their device and that if there be a need for the witness to refer to any notes, that such notes have to be identified on the record first and that the Court has to give permission to the witness to review them first.
- The Proxy Witness is a healthcare professional who will testify regarding the medical /hospital records of the Respondent. The Proxy Witness will read the chart notes from the Respondent’s hospital records. The testimony includes dates/ times and the name of the person who made the chart note and the chart note.

- The Court Evaluator will testify as to the mental health evaluation of the Respondent; observation of the Respondent; and the medical records including chart notes.
- At the end of a witness’ telephonic testimony the Court will let the witness know that the witness may remain on the line to listen to the proceedings but that the witness is required to mute their device/microphone.
- At the end of the Hearing if the Petitioner prevails, the Court provides the following advisement of Rights to the Respondent: *“I am ordering that you (stay in the hospital for up to 14 days) OR (follow a less restrictive treatment order for up to 90 days). If the hospital thinks you should (stay longer than the 14 days that I am ordering) (remain in less restrictive treatment beyond 90 days), you will have the right to a full hearing or jury trial. You are now barred from the possession of firearms. This prohibition remains in effect until a court restores the right to possess a firearm.”*

The following are some of the most common medical terms that you may hear during the hearing:

schizophrenia;	rigidity	gravely disabled
schizoaffective disorder	labile mood/ labile affect	good faith voluntary patient
bipolar disorder	paranoia	decompensate
mania	impulsivity	baseline
depression	impaired insight	less restrictive treatment
psychosis	impaired judgment	alternative
antipsychotic drugs	homicidal/ suicidal ideation	medication compliant
hallucination	agitation	activities of daily living (ADL)
delusions	cognitive and volitional function	perseverate
disorganized thinking	internal stimuli	manifests severe deterioration
disorganized speech	grave disability	
catatonia		

If the hearing is for a 90-day or 180-day confinement, the burden of proof would be by *“clear, cogent and convincing”* evidence.